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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,821	06/04/2001	Henry C. Yuen	YUN-14102/03	4572
25006	7590	06/17/2004	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE ANDERSON & CITKOWSKI, PC 280 N OLD WOODARD AVE SUITE 400 BIRMINGHAM, MI 48009			NGUYEN BA, PAUL H	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 06/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,821

Applicant(s)

YUEN, HENRY C.

Examiner

Paul Nguyen-Ba

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Information Disclosure Statement filed on January 8, 2002.
2. Claims 1-7 have been considered. Claim 1 and 5 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(e), which claims benefit of U.S. Provisional Patent Application No. 60/209,113 filed on 06/02/2000.

Drawings

4. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Heckerman et al. ("Heckerman"), U.S. Patent No. 6,260,011.

Independent Claim 1

Heckerman teaches a method of *switching between text and audio in an electronic book* (see col. 7, lines 46-56 → can switch between audio and text presentation modes), comprising the steps of:

providing the text and audio in indexed form (see Figure 7-12; col. 12, lines 8-36 *et seq.*

→ indexing the audio and text files may take several forms);

receiving a request from a user to switch from text to audio or vice-versa (see col. 7, lines 46-56; see also col. 1, lines 43-48);

synchronizing the switching in accordance with the indexing of the text and audio (see Abstract; col. 7, lines 58 *et seq.*).

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Claim 2

Heckerman teaches the method of claim 1, wherein the step of *synchronizing is based on a word, a sentence or a paragraph, or as selected by the user* (see col. 3, lines 1-4, 17-24 → synchronizing points can be a paragraph, sentence, word, etc.).

Claim 5

Heckerman teaches the method of *switching between text and audio stored in an electronic book* (see col. 7, lines 46-56 → can switch between audio and text presentation modes), comprising the steps of:

providing the text and audio in indexed form (see Figure 7-12; col. 12, lines 8-36 *et seq.* → indexing the audio and text files may take several forms); and

synchronizing the switching in accordance with the indexing of the text and audio (see Abstract; col. 7, lines 58 *et seq.*).

Claim 6

Heckerman teaches the method of claim 1 wherein the step of *switching between text and audio is effected explicitly or implicitly* (see col. 7, lines 46-56; see also col. 1, lines 43-48).

Claim 7

Heckerman teaches the method of claim 1 *switching between text and audio collectively stored in a plurality of electronic devices, said electronic devices being in communication with each other* (see Fig. 2; col. 6, lines 1-17), said method comprising the steps of:

providing the text and audio in indexed form (see Figure 7-12; col. 12, lines 8-36 *et seq.* → indexing the audio and text files may take several forms);

receiving a request from a user to switch from text to audio or vice-versa (see col. 7, lines 46-56; see also col. 1, lines 43-48); and

synchronizing the switching in accordance with the indexing of the text and audio (see Abstract; col. 7, lines 58 et seq.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckerman et al. ("Heckerman"), U.S. Patent No. 6,260,011, in view of Redford et al. ("Redford"), U.S. Patent No. 5,749,735.

Claim 3

Heckerman teaches the method of switching between text and audio in an electronic book with respect to claim 1, but does not specifically teach the step of repeating a certain portion of the content.

However, Redford teaches an interactive electronic book system and method wherein when the BACK button is clicked, the video and/or audio recording is rewound and repeated (col. 48, lines 32-47) for the purpose of replaying a certain portion of the content.

Since Heckerman and Redford are both from the same field of endeavor, the purposes disclosed by Redford would have been recognized in the pertinent art of Heckerman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Heckerman with the teachings of Redford to include a BACK button, which when clicked, the video and/or audio recording is rewound and repeated (col. 48, lines 32-47) for the purpose of replaying a certain portion of the electronic book content.

Claim 4

Heckerman teaches the method of switching between text and audio in an electronic book with respect to claim 1, but does not specifically teach the step of storing and retrieving a brief update summary of the story line.

However, Redford teaches an interactive electronic book system and method wherein the electronic books content is identified by text and graphic content in the form of a title and summary (see Fig. 6H; col. 29, lines 35-54) for the purpose of presenting the substance of a body of material in a condensed form or reducing the body of material to its main points in order to update or inform the electronic book user.

Since Heckerman and Redford are both from the same field of endeavor, the purposes disclosed by Redford would have been recognized in the pertinent art of Heckerman. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Heckerman with the teachings of Redford to include storing and retrieving a brief update summary of the story line for the purpose of presenting the substance of a body of material in a condensed form or reducing the body of material to its main points in order to update or inform the electronic book user of the story line.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US 6633741 B1 USPAT 20031014 Posa, John G. et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached from 10 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER